IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

RCRev..No. 96 OF 2007()

RCA.2/2000 OF II ADDL. RENT CONTROL APPELLATE AUTHORITY, THIRUVANANTHAPURAM

RCP.4/1997 OF THE RENT CONTROL COURT, VARKALA

REVISION PETITIONERS/APPELLANT/CR.PETITIONER

1. GEETHAKUMAR, W/O LATE MOHANA KUMAR,
V.M.C.20/302, MANU VILASOM, MYTHANAM, VARKALA,
THIRUVANANTHAPURAM.

2. MANU(MINOR)
S/O LATE MOHAN KUMAR,
DO.

3. VINOD(MINOR)
S/O LATE MOHAN KUMAR
-DO-

4. ANU(MINOR)
S/O LATE MOHAN KUMAR
-DO-

BY ADV. SRI.R.ANILKUMAR
SRI.P.BANI

RESPONDENTS: RESPONDENT/PETITIONER

AMBUJAKSHY AMMA,
LEKSHMY MANGALATHU VEEDU,
CHEUNNIYOOR P.O., VARKALA,
THIRUVANANTHPURAM.

BY ADV. SRI.L.MOHANAN

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 15/03/2007, ALONG WITH C.O.P. 1014/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN & ANTONY DOMINIC, JJ.

R.C.R. NO. 96/2007& CAVEAT NO. 1014/2006

DATED THIS, THE 15TH DAY OF MARCH, 2007.

J U D G M E N T

Raman, J.

Legal representatives of the original tenant who died during the pendency of the appeal and who were arrayed as additional appellants 2 to 5, are the revision petitioners herein. They are facing with an order of eviction passed under Section 11(3) of the Kerala Buildings (Lease & Rent Control) Act. The bona fide need as alleged by the landlord was found in her favour by both the authorities below and there is no legal grounds made out for interference. Confronted with the above situation, learned counsel for the revision petitioners, after arguing for some time, sought to withdraw the contention raised in the revision petition and prayed for a reasonable time to give vacant possession of the building in question. We find that the revision petitioners' predecessor in interest, who was a tenant, was conducting a pan shop in the tenanted premises and the revision petitioners having withdrew their contentions raised in the revision petition, and they are stated to be continuing the business in the petition schedule premises, it is only appropriate that a reasonable time is given for surrender vacant possession of the building.

2. Accordingly, after hearing both sides, the following orders are passed. The revision petition will stand dismissed as withdrawn. However, the execution pursuant to the order of eviction passed by the Rent Control

Court and affirmed by the Appellate Authority will stand deferred till 30.12.2007 on the following conditions:

(1). The arrears of rent, if any, as on today, shall be deposited by the revision petitioners before the execution court, within a month from today.

(2). An amount equivalent to the monthly rent shall also be deposited on the due dates towards use and occupation until vacant possession is given.

(3). Petitioners shall give vacant possession of the building on or before 30.12.2007.

(4). They shall not induct any third parties.

(5). An undertaking to abide by the above conditions shall be filed before the execution court in the form of an affidavit within a month from today.

In default of compliance with any one of these conditions, petitioners will lose the benefit of this order and the respondent will be at liberty to proceed with the execution steps.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-